

RESOLUTION NO. 2001-51

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AMENDMENTS TO THE  
SAN JOAQUIN COUNCIL OF GOVERNMENTS  
JOINT POWERS AGREEMENT

=====

WHEREAS, the member agencies of the San Joaquin County Council of Governments adopted an amended Joint Powers Agreement as of March 1, 1991; and

WHEREAS, the City of Lodi is a member agency of the San Joaquin Council of Governments; and

WHEREAS, the Joint Powers Agreement requires further amendment in order to effect various editorial and material changes in the agreement, including allowing SJCOG to assume responsibilities under the SJMSCP.

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi does hereby approve the amendments to the Joint Powers Agreement as attached hereto as Exhibit A.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-51 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk



SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

[www.sjco.org](http://www.sjco.org)

FEB 9 2001

COMMUNITY DEVELOPMENT

Dan Bilorey  
CHAIRMAN

Mike Restuccia  
VICE CHAIRMAN

Julia E. Greene  
EXECUTIVE DIRECTOR

Member Agencies

CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Memorandum

TO: Dixon Flynn, Lodi City Manager  
Rad Bartlam, Lodi Community Development Director  
John Carlson, Stockton Community Development Director  
Mike Niblock, Stockton Senior Planner  
Everett L. Compton, Ripon City Administrator  
Ernest Tyhurst, Ripon Planning & Building Director  
David Baker, County Administrator  
Ben Hulse, County Community Development Director

FROM: Julia E. Greene, Executive Director

RE: Implementing Agreement for Habitat Plan

DATE: February 7, 2001

On December 29, 2000, the California Department of Fish and Game (DFG) provided San Joaquin Council of Governments (SJCOG) comments in regards to the Implementation Agreement (IA) for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (see attached letter dated December 29, 2000). The comments requested revisions that are solely technical clarifications, which do not alter the substance of the IA.

On February 5, 2001, DFG agreed that the current version of the IA (December 7, 2000 version) may be adopted by the participating local jurisdictions with the condition that DFG's comments that are addressed in a Letter of Clarification prepared by SJCOG (see letter dated January 19, 2001) is accepted as part of IA adoption by the participating local jurisdictions. Therefore, please include DFG's letter and the Letter of Clarification to your staff report. In addition, the recommendation in regards to adopting the Implementation Agreement should be similar to the following:

"Adopt the Implementation Agreement with the acceptance of revisions outlined in the Letter of Clarification dated January 19, 2001 to the California Department of Fish and Game"

If you have any questions, please call Jerry Park on my staff at (209) 468-3913.

Thank You



SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

[www.sjcog.org](http://www.sjcog.org)

Dan Billrey  
CHAIRMAN

Mike Restuccia  
VICE CHAIRMAN

Julia E. Greene  
EXECUTIVE DIRECTOR

Member Agencies

CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

January 19, 2001

Ms. Angela Scott, Esquire  
CA Department of Fish and Game  
1416 Ninth Street  
Sacramento CA 95814

Dear Ms. Scott:

In response to your letter of December 29, 2000, regarding the San Joaquin County Multi-Species Conservation Plan Implementation Agreement (IA). We recognize the value of your comments and believe that we can accomplish your goals of a better IA with a clarifying letter.

As the lead agency developing the HCP, the San Joaquin Council of Governments (COG) has been consistently patient with the process and responsive to the concerns of the state and federal resource agencies, including the Department of Fish and Game (DFG). As a result, all of DFG's substantive issues have long since been resolved. The IA revisions proposed by your comments are not substantive changes to the program established by the HCP, but technical revisions which clarify DFG's role in the HCP and the difference in assurances provided by DFG and the U. S. Fish and Wildlife Services. We view all of your comments as non-substantive changes to the IA, or simply fixing editing errors. (Discussion of each of the DFG clarifications is provided in Attachment 1 to this letter.) We accept the DFG clarifications, and agree that they reflect the understanding of the parties to the IA.

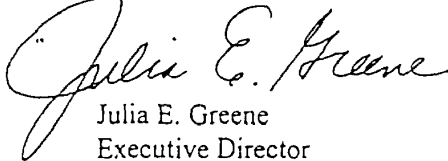
However, it is simply too late in the process to revise the text of the IA at this time. COG adopted the HCP and approved execution of the IA on December 7, 2000. This schedule was developed with sign off from DFG and legal review by Chris Beale. Your staff actively participated with us as we finalized these documents. The other local participants in the HCP have already begun to consider adoption, one city, Lathrop, adopted unanimously, with the rest scheduled over the next few weeks. These adoption actions are the last, long-delayed, actions in a process which has extended for seven (7) years this month. Neither COG's membership, nor the other HCP participants, are willing to delay the process again in order to make technical changes in the IA, reprint and distribute the revised document, and renotice and reschedule the adoption.

meetings.

It is also important to point out that a delay now would cause us to miss a very important window of opportunity to seek federal funding for the HCP implementation in 2001. We are anxious to begin this valuable process for the environment and our community.

In order to address your concern that the DFG clarifications should be accepted by all the parties to the IA, we propose the following: (1) by this letter, COG accepts the DFG clarifications; (2) the DFG clarifications will be presented to the decisionmakers of each IA signatory during their formal approval process (revisiting the cities that have already adopted), and your letter of December 29, 2000 will be attached to the IA at the time of approval by each signatory; and (3) the DFG clarifications will be amended into the text of the IA at the same time as the first set of amendments otherwise required.

Sincerely,

A handwritten signature in cursive script that reads "Julia E. Greene". The signature is written in dark ink and is positioned above the printed name and title.

Julia E. Greene  
Executive Director

CC: Banky Curtis  
James Monroe, General Counsel, Department of the Interior  
Cay Goude  
Vicki Campbell  
Phil Pennino  
Amy Augustine  
SJCOG Board of Directors  
Mayors of San Joaquin County  
Chair, SJ County Board of Supervisors